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2       LAW OFFICE OF  
3       **KEOGH & FORMAN**  
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7       Attorneys for Plaintiff

FILED  
DISTRICT COURT OF GUAM  
FEB 26 2003

MARY L. M. MORAN  
CLERK OF COURT

5

8                   IN THE DISTRICT COURT OF GUAM

9       ROLANDO A. DAYDAY

10                   CIVIL CASE NO. CIV02-00038

11                   Plaintiff,  
12                   vs.

13                   SCHEDULING ORDER

14       UNITED STATES OF AMERICA

15                   Defendant.

16       Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil  
17       Procedure, and Local Rule 16.1 for the District Court of Guam, the  
18       parties submit the following Scheduling Order. Certain dates set  
19       forth below and in the Discovery Plan diverge from guidelines set  
20       forth in the local and federal rules because, due to the fact that  
21       FRCP 12(a)(3)(A) gives defendant United States of America sixty  
22       days after service to file its answer, certain deadlines set forth  
23       in the rules could be reached on or before the date that  
24       defendants' answer is due.

25       1. The nature of the case is as follows: This is a Federal  
26       Tort Claim action. Plaintiff seeks damages, alleging that he  
27       sustained personal injuries in a traffic accident.

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5 2. The posture of the case is as follows:

6 a. The following motions are on file: None.

7 b. The following motions have been resolved: None.

8 c. The following discovery has been initiated: No  
9 formal discovery has been initiated yet.

10 3. All motions to add parties and claims shall be filed on  
11 or before: May 2, 2003.

12 4. All motions to amend pleadings shall be filed on or  
13 before: July 2, 2003.

14 5. Status of Discovery: The Discovery Plan attached hereto  
15 is adopted and incorporated as part of this Scheduling Order.  
16 Discovery has not yet commenced. The parties anticipate discovery  
17 in accordance with the discovery plan.

18 6. The parties shall appear before the District Court on  
19 March 15, 2003 at 3:15 p.m. for the Scheduling Conference.

20 7. The discovery cut-off date (defined as the last day to  
21 file responses to discovery) is: September 5, 2003.

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4  
5 8. a) The anticipated discovery motions are: None at this  
6 time.  
7

8 All discovery motions shall be filed on or before  
9 September 12, 2003 and heard on or before October 10, 2003.  
10

11 b. The anticipated dispositive motions are: None at  
12 this time.  
13

14 All dispositive motions shall be filed on or before  
15 September 12, 2003 and heard on or before October 10, 2003.  
16

17 9. The prospects of settlement are: Unknown at this time.  
18

19 9.1. Trial briefs shall be filed on or before October 17,  
20 2003.  
21

22 10. The Preliminary Pretrial Conference shall be held on  
23 October 27, 2003 at 3:00 p.m. [time to be set by the Court].  
24

25 11. The parties' discovery material designations, witness  
26 lists, and exhibit lists shall be filed on or before November 3,  
27 2003.  
28

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5 12. The Proposed Pretrial Order shall be filed on or before  
6 the 27th day of October, 2003.

7

8 13. The Final Pretrial Conference shall be held on the 10th  
9 day of November, 2003 at 3:00 p.m. [time to be set by the  
10 Court]. All materials required or allowed by LR 16.7(f) and LR  
11 16.7(g) shall be filed on or before November 10, 2003.

12

13 14. The trial shall be held on the 17th day of November, 2003  
14 at 9:30 a.m..

15

16 15. The trial is a non-jury trial.

17

18 16. It is anticipated that it will take 4 days to try this  
19 case.

20

21 17. The names of counsel in this case are: Robert L. Keogh of  
22 Keogh and Forman for plaintiff; and Assistant U.S. Attorney Mikel  
23 W. Schwab for defendant United States.

24

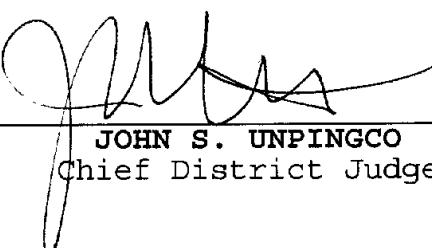
25 18. The parties wish to submit this case to a settlement  
26 conference in the summer of 2003 after initial discovery is  
27 completed.

1 PROPOSED SCHEDULING ORDER  
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5 19. The parties present the following suggestions for  
6 shortening trial: None at this time. It is expected that  
7 stipulations will be reached that will shorten trial.

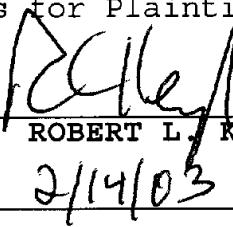
8 20. The following issues will also affect the status or  
9 management of the case: The parties may retain off-island expert  
10 witnesses.

11 DATE: FEB 25 2003

  
JOHN S. UNPINGCO  
Chief District Judge

15 APPROVED AS TO FORM AND CONTENT:

16 **LAW OFFICE OF KEOGH AND FORMAN**  
17 Attorneys for Plaintiff

18 By:   
19 ROBERT L. KEOGH

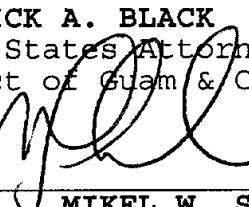
20 Date: 2/14/03

**RECEIVED**

FEB 14 2003

DISTRICT COURT OF GUAM  
HAGATNA, GUAM

21 **FREDERICK A. BLACK**  
22 United States Attorney  
23 District of Guam & CNMI

24 By:   
25 MIKEL W. SCHWAB  
26 Assistant U.S. Attorney

27 Date: 2/14/03

28

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Attorneys for Plaintiff

IN THE DISTRICT COURT OF GUAM

ROLANDO A. DAYDAY

CIVIL CASE NO. CIV02-00038

Plaintiff,

vs.

## PROPOSED DISCOVERY PLAN

UNITED STATES OF AMERICA

Defendant.

Pursuant to FRCP 26(f) and LR 16.1, the parties submit the following proposed discovery plan.

1. The FRCP 26(f) conference shall take place within 15 days after defendant files its answer.

2. FRCP 26(a)(1) disclosures shall be made on or before March 20, 2003.

3. Initial FRCP 26(a)(2) disclosures of expert witnesses shall be made on or before June 20, 2003.

4. FRCP 26(a)(2) rebuttal disclosures shall be made on or before July 22, 2003.

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5 5. FRCP 26(a)(3)(A), (B) and (C) disclosures shall be made on  
6 or before October 17, 2003.

7

8 6. FRCP 26(a)(3) objections shall be filed and served on or  
9 before November 3, 2003.

10

11 7. It is difficult for the parties to set forth a precise  
12 schedule for discovery at this early stage. It is tentatively  
13 planned that discovery will be conducted in three places, as  
14 follows:

15

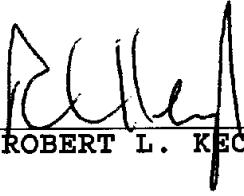
16 (a) Written discovery (interrogatories, requests for  
17 production, requests for admission) to be completed by  
18 early June 2003. Additional written discovery may be  
19 conducted if the need becomes apparent during the course  
20 of discovery.

21 (b) Depositions of witnesses located on Guam in June and July  
22 of 2003. It is anticipated that these witnesses will  
23 include treating health care providers, plaintiff, and  
24 any eyewitnesses to the accident (including defendant's  
25 employee who was involved in the accident.) Local  
26 witnesses may be deposed at other times if summer travel  
27 plans cause scheduling problems, or if counsel are  
28 prepared for such depositions before June 2003.

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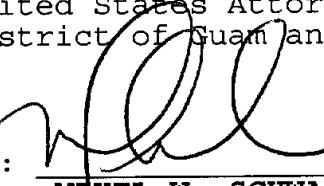
5 (c) Depositions of off-island witnesses in July and August of  
6 2003. It is anticipated that these witnesses will  
7 include defendant's medical experts, possibly accident  
8 reconstruction experts, and any fact witness who has left  
9 Guam. These depositions may be held early if this would  
10 accommodate travel schedules.

11  
12 **LAW OFFICE OF KEOGH AND FORMAN**  
13 Attorneys for Plaintiff

14 By:   
15 ROBERT L. KEOGH

16 Date: 2/14/03

17 **FREDERICK A. BLACK**  
18 United States Attorney  
19 District of Guam and CNMI

20 By:   
21 MIKEL W. SCHWAB  
22 Assistant U.S. Attorney

23 Date: 2/14/03